

**2011 DRAFTING REQUEST**

**Bill**

Received: **12/15/2010**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing: **Carol**

May Contact:

Drafter: **rkite**

Subject: **Nat. Res. - fish and game**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Urban bow hunting

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rkite 12/20/2010	kfollett 12/22/2010	mduchek 01/03/2011	_____	mbarman 01/03/2011	mbarman 01/07/2011	

FE Sent For:

*None*

<END>

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1/?	rkite	11/15 12/22	MD 12/22				

FE Sent For:

<END>

On another note, he would like legislation drafted that would permit "urban bow hunting" under certain conditions. He would like to pattern the legislation after a similar law in effect in Michigan. I've attached a portion of an e-mail sent to our office from Michigan's State Law Library which should provide you with background information on Joel's intent.

As always, if you have questions, please feel free to get in touch. Thanks again for everything.

Carol/Rep. Kleefisch's Office

The information provided in your message below appears to be from the following Michigan Department of Natural Resources and Environment website:

<http://www.mi.gov/dnr/0,1607,7-153-10363-71467--,00.html>

That language is not part of the Michigan Compiled Laws.

Possibly, the authors of that website are referencing Michigan Compiled Laws section 324.40111 (4): "A person shall not hunt or discharge a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property." Source:

<http://legislature.mi.gov/doc.aspx?mcl-324-40111>

Thank you for contacting the State Law Library.

Tim

Information provided here should not be considered a substitute for legal research or for obtaining the professional services of an attorney.

Library of Michigan  
State Law Library  
702 W. Kalamazoo St.  
P. O. Box 30007  
Lansing MI 48909  
Phone: (517) 373-0630  
Fax: (517) 373-3915  
E-mail: [lmlawlib@michigan.gov](mailto:lmlawlib@michigan.gov)

12/16 i

Per Carol-

Can talk to DNR on this draft

**Kite, Robin**

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**From:** Rep.Kleefisch  
**Sent:** Thursday, December 16, 2010 1:07 PM  
**To:** Kite, Robin  
**Subject:** FW: "Urban Bowhunting"  
**Attachments:** Bow Hunting Perimeter Rules.doc; S1181.pdf

Robin – Here's the packet we received from NJ on urban bow hunting. The "nocked" arrow reference is contained within the Bow Hunting Perimeter Rules word document. As always, call with questions: 266-8551. Thank you!

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**From:** Van Drew, Sen. STAFF [mailto:2F0G@njleg.org]  
**Sent:** Wednesday, December 01, 2010 1:28 PM  
**To:** Rep.Kleefisch  
**Subject:** FW: "Urban Bowhunting"

Representative Kleefisch,

Per our conversation yesterday, I am forwarding you an email from our NJ Office of Legislative Services, which has provided a copy of all statutes referencing where bow hunting may or may not take place. I have also attached a copy of Senator Van Drew's legislation, S1181, which changes the perimeter for bow and arrow hunting around an occupied building from 450 feet to 150 feet.

If we can be of any additional assistance as you move through this process, please do not hesitate to contact me directly. My cell phone number is 609-602-6579.

Have a happy holiday.

Jonathan S. Atwood  
Legislative Director

*New Jersey First Legislative District  
Senator Jeff Van Drew  
Assemblyman Nelson Albano  
Assemblyman Matthew Milam*

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**From:** Molimock, Michael R.  
**Sent:** Wed 12/1/2010 2:14 PM  
**To:** Van Drew, Sen. STAFF  
**Subject:** "Urban Bowhunting"

Hi Jonathan,

This email is in response to your request for the statutes concerning bow hunting near populated areas. I've attached the only section of law relevant to this issue. The statutes, of course, reference bow hunting in other context, such as with regard to hunting licenses, but this is the only section dealing with *where* bow hunting may or may not take place. Please let me know if you would like me to send over any other provisions of law, or if you have any other questions or concerns.

Thanks,  
Mike

12/16/2010

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

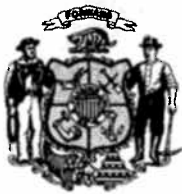
LRB

12/20

Per Mike Futz at DNR:

State law does not restrict bow hunting  
near a bldg but many local governments  
have such restrictions -





State of Wisconsin  
2011 - 2012 LEGISLATURE



Rm run

LRB-0729

RNK...

1  
bf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

2011 BILL

In  
12/20

D-NOTE

Gen

- 1 AN ACT ...; **relating to:** ordinances, regulations, resolutions, or other restrictions
- 2 of local governmental units that restrict hunting with a bow and arrow.

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***Analysis by the Legislative Reference Bureau***

Current statutes generally prohibit a local governmental unit from enacting any ordinance or adopting any regulation, resolution, or other restriction (local law) that regulates hunting, fishing, trapping, or management of wild animals except on land that the local governmental unit owns or leases or unless state law specifically authorizes the local governmental unit to enact or adopt such a local law. Current statutes also specify that a local governmental unit may enact or adopt a local law that has an incidental effect on hunting, fishing, or trapping, but only if the primary purpose is to further public health or safety.

This bill provides, with an exception, that a local governmental unit may not enact or enforce a local law that prohibits hunting with a bow and arrow within the jurisdiction of that local governmental unit. Under the exception provided in the bill, a local governmental unit may prohibit hunting with a bow and arrow within 150 yards of an occupied building.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 **SECTION 1.** 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
- 4 to read:

1 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may  
2 enact an ordinance or adopt a regulation, resolution or other restriction that has an  
3 incidental effect on hunting, fishing or trapping, but only if the primary purpose is  
4 to further public health or safety.

History: 1997 a. 170; 1999 a. 32 s. 42; Stats. 1997 s. 29.038; 2001 a. 16; 2003 a. 33.

5 SECTION 2. 29.038 (3) (b) of the statutes is created to read:

6 29.038 (3) (b) No local governmental unit may enact or enforce an ordinance  
7 or adopt or enforce a regulation, resolution, or other restriction that prohibits  
8 hunting with a bow and arrow within the jurisdiction of that local governmental unit  
9 except that a local governmental unit may prohibit hunting with a bow and arrow  
10 within 150 yards of an occupied building.

11 (END)

D-Note



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0729/?dn

RNK: *kjf*

*Date*

*building*  
+ The instructions for this draft were to allow "urban bow hunting". You had asked that the draft be patterned after Michigan law. Michigan law restricts a person from hunting within 150 yards of an occupied building. With certain exceptions, state law  
X does not generally restrict bow hunting near an occupied, although many local governments do restrict such bow hunting. I have assumed, therefore, that you wanted this proposal to prohibit a local governmental unit from restricting hunting with a bow and arrow, except within 150 yards of an occupied building and have drafted this proposal accordingly. If I have misunderstood your instructions, please let me know and I would be happy to discuss any redraft instructions with you. If you have any questions about this draft, please feel free to call me.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0729/1dn  
RNK:kjf:md

January 3, 2011

The instructions for this draft were to allow "urban bow hunting." You had asked that the draft be patterned after Michigan law. Michigan law restricts a person from hunting within 150 yards of an occupied building. With certain exceptions, state law does not generally restrict bow hunting near an occupied building although many local governments do restrict such bow hunting. I have assumed, therefore, that you wanted this proposal to prohibit a local governmental unit from restricting hunting with a bow and arrow, except within 150 yards of an occupied building and have drafted this proposal accordingly. If I have misunderstood your instructions, please let me know and I would be happy to discuss any redraft instructions with you. If you have any questions about this draft, please feel free to call me.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov

**Barman, Mike**

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**From:** Kleefisch, Joel  
**Sent:** Friday, January 07, 2011 10:45 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-0729/1 Topic: Urban bow hunting

Please Jacket LRB 11-0729/1 for the ASSEMBLY.